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7 Attorneys for Defendant  
8 JUAN NICHOLAS BENITEZ

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MARC JESUS LOPEZ and JUAN  
NICHOLAS BENITEZ,

17 Defendant.

Case No. 2:23-CR-00126-FLA

**DEFENDANT JUAN BENITEZ'S  
NOTICE OF REQUEST FOR  
EVIDENTIARY HEARING;  
DECLARATION OF COUNSEL**

18 Defendant Juan Nicholas Benitez, by and through his counsel of record, Deputy  
19 Federal Public Defender Holt Ortiz Alden, hereby files a notice of request for  
20 evidentiary hearing. The attached memorandum details the request.

22 Respectfully submitted,

23  
24 CUAUHTEMOC ORTEGA  
Federal Public Defender

25 DATED: October 17, 2023

26 /s/ *Holt Ortiz Alden*

27  
28 HOLT ORTIZ ALDEN  
Deputy Federal Public Defender  
Attorney for JUAN NICHOLAS BENITEZ

## MEMORANDUM

On September 13, 2023, Mr. Benitez filed a motion to suppress evidence and statements. Dkt. 78. Mr. Benitez noticed a hearing date of October 20, 2023, at 10:30 a.m., and requested an evidentiary hearing. Dkt. 78 at 1, 22. The government filed an opposition on September 29, 2023, Dkt. 90, and on October 6, 2023, Mr. Benitez filed a reply, Dkt. 94. In the reply, the defense stated that an evidentiary hearing is no longer necessary because no relevant factual dispute remains. Dkt. 94 at 18.

The defense now reasserts Mr. Benitez's request for an evidentiary hearing. Since October 6, additional information has come to the attention of defense counsel. In light of that new information, defense counsel now believes that an evidentiary hearing is necessary. The defense is prepared to file an in camera memorandum detailing such information if the Court so requires.

Respectfully submitted,

**CUAUHTEMOC ORTEGA**  
**Federal Public Defender**

DATED: October 17, 2023

/s/ Holt Ortiz Alden

HOLT ORTIZ ALDEN  
Deputy Federal Public Defender  
Attorney for JUAN NICHOLAS BENITEZ

1                   **DECLARATION OF HOLT ORTIZ ALDEN**

2 I, Holt Ortiz Alden, declare:

3       1. I am a Deputy Federal Public Defender with the Office of the Federal  
4 Public Defender for the Central District of California and our office has been appointed  
5 to represent Juan Nicholas Benitez in this matter.

6       2. On October 6, 2023, the defense filed a reply in support of Mr. Benitez's  
7 motion to suppress evidence and statements. At that time, I did not believe an  
8 evidentiary hearing on the motion to suppress was necessary.

9       3. Since October 6, 2023, additional information has come to my attention. In  
10 light of that information, I now believe an evidentiary hearing on the motion to  
11 suppress is necessary. I am prepared to file an in camera memorandum detailing that  
12 information if the Court so requires.

13

14 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
15 knowledge.

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17       Executed on October 17, 2023, in Los Angeles, California.

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19                   */s/ Holt Ortiz Alden*

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21                   HOLT ORTIZ ALDEN  
22                   Deputy Federal Public Defender